

**FILED**

**JUN 29 2016**

Clerk, U S District Court  
District Of Montana  
Missoula

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

RICHARD GENE WASHINGTON,

Plaintiff,

vs.

LANCE GRIFFIN, HEIDI ABBOTT,  
LAURA JANES, CONNIE WINNER,  
CATHY REDFERN, TRISTAN  
KOHUT, and SCOTT PIRANIAN,

Defendants.

CV 15-28-H-DLC-JTJ

**ORDER**

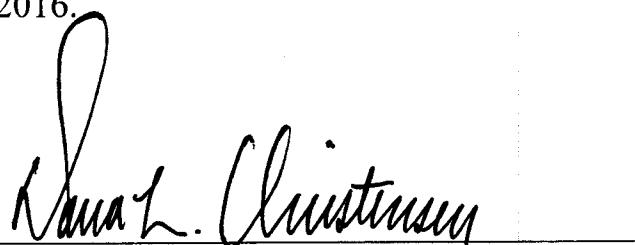
United States Magistrate Judge John T. Johnston entered findings and recommendations in this case on May 19, 2016, recommending that Defendant Laura Janes (“Janes”) be dismissed from this action. Plaintiff Richard Gene Washington (“Washington”) did not object to the findings and recommendations, and so has waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir.

2000) (citations omitted).

Having reviewed the findings and recommendations, the Court finds no clear error in Judge Johnston's conclusions that because Washington asserts no allegations against Janes in his Amended Complaint, Janes' motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure should be granted.

Accordingly, IT IS ORDERED that Judge Johnston's findings and recommendations (Doc. 24) are ADOPTED IN FULL. Defendant Janes' motion to dismiss (Doc. 21) is GRANTED, and she is hereby DISMISSED from this action.

DATED this 29<sup>th</sup> day of June, 2016.



Dana L. Christensen  
Dana L. Christensen, Chief Judge  
United States District Court